

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,	*
	*
PLAINTIFF,	*
	*
V.	* CASE NO. 1:05CR239-T
	*
JOSEPH L. KENNEDY	*
	*
DEFENDANT.	*

UNOPPOSED MOTION TO CONTINUE SENTENCING

Comes now the defendant, by counsel, and submits the following:

1. This matter is set for sentencing on February 27, 2006 at 10:00 a.m.

2. Undersigned counsel requests additional time to prepare for sentencing due to the following: Counsel had two jury trials during the February trial term for this District, U. S. v. Mercer, Case No. 2:05CR204 was tried last week, and U. S. v. McCall, Case No. 1:05CR153 was tried this week (the jury in McCall went out February 22, 2006 and has not yet reached a verdict). Counsel had two appellate opinions (Ex Parte Mitchell and In Re: Shewmake) issued on February 3, 2006 which required counsel to file petitions for writ of certiorari and habeas corpus in the Alabama Supreme Court on February 17, 2006. Counsel also has a DUI

jury trial (State v. Borden, Case no. CC-05-7076, 7077) set in Montgomery Circuit Court on February 27, 2006 at 9:00 a.m., although counsel has moved to withdraw from that case, as of this date that motion has not been ruled on.

3. Counsel has spoken with Terry Moorner, attorney for the Government, and the Government does not oppose this request for continuance.

Wherefore, based upon the above counsel for defendant requests that sentencing be reset to a later date.

Respectfully submitted this 23rd day of February, 2006.

s/Jeffery C. Duffey
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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2006, I served by U.S. Mail or electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Terry Moorner , AUSA, P.O. Box 197, Montgomery, AL 36101 and Al Lancaster, U. S. Probation Officer, P. O. Box 39, Montgomery, Al. 36101.

s /Jeffery C. Duffey